NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Lumber Co.,* 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

GRAHAM *v.* COLLINS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 91–7580. Argued October 14, 1992—Decided January 25, 1993

Petitioner Graham's capital murder conviction and death sentence became final in 1984. After unsuccessfully seeking postconviction relief in the Texas state courts, he filed this habeas corpus action in Federal District Court, alleging, *inter alia,* that the three ``special issues'' his sentencing jury was required to answer under the state capital-sentencing statute then in existence prevented the jury from giving effect, consistent with the Eighth and Fourteenth Amendments, to mitigating evidence of his youth, unstable family background, and positive character traits. In affirming the District Court's denial of relief, the Court of Appeals reviewed this Court's holdings on the constitutional requirement that a sentencer be permitted to consider and act upon any relevant mitigating evidence put forth by a capital defendant, and then ruled that Graham's jury could give adequate mitigating effect to the evidence in question by way of answering the special issues.

Held: Graham's claim is barred because the relief he seeks would require announcement of a new rule of constitutional law, in contravention of the principles set forth in *Teague* v. *Lane,* 489 U. S. 288, 301 (plurality opinion). Pp. 5–17.

(a) A holding that was not ``*dictated* by precedent existing at the time the defendant's conviction became final'' constitutes a ``new rule,'' *ibid.,* which, absent the applicability of one of two exceptions, cannot be applied or announced in a case on collateral review, *Penry* v. *Lynaugh,* 492 U. S. 302, 313. Thus, the determinative question is whether reasonable jurists hearing Graham's claim in 1984 ``would have felt compelled by existing precedent'' to rule in his favor. See *Saffle* v. *Parks,* 494 U. S. 484, 488. Pp. 5–6.

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(b) It cannot be said that reasonable jurists hearing Graham's claim in 1984 would have felt that existing precedent ``*dictated*'' vacatur of his death sentence within *Teague*'s meaning. To the contrary, the joint opinion of Justices Stewart, Powell, and STEVENS, in *Jurek* v. *Texas,* 428 U. S. 262, 270–276, could reasonably be read as having upheld the constitutionality of the very statutory scheme under which Graham was sentenced, including the so-called ``special issues,'' only after being satisfied that the petitioner's mitigating evidence, including his age, would be given constitutionally adequate consideration in the course of the jury's deliberation on the special issues. Moreover, *Lockett* v. *Ohio,* 438 U. S. 586, 605–606 (plurality opinion), expressly embraced the *Jurek* holding, and *Eddings* v. *Oklahoma,* 455 U. S. 104, signaled no retreat from that conclusion. Thus, it is likely that reasonable jurists in 1984 would have found that, under these cases, the Texas statute satisfied the commands of the Eighth Amendment: it permitted Graham to place before the jury whatever mitigating evidence he could show, including his age, while focusing the jury's attention upon what that evidence revealed about his capacity for deliberation and prospects for rehabilitation. Nothing in this Court's post-1984 cases, to the extent they are relevant, would undermine this analysis. Even if *Penry, supra,* upon which Graham chiefly relies, reasonably could be read to suggest that his mitigating evidence was not adequately considered under the Texas procedures, that does not answer the determinative question under *Teague.* Pp. 6–16.

(c) The new rule that Graham seeks would not fall within either of the *Teague* exceptions. The first exception plainly has no application here because Graham's rule would neither decriminalize a class of conduct nor prohibit the imposition of capital punishment on a particular class of persons. See *Saffle, supra,* at 495. The second exception, for watershed rules implicating fundamental fairness and accuracy, is also inapplicable, since denying Graham special jury instructions concerning his mitigating evidence would not seriously diminish the likelihood of obtaining an accurate determination in his sentencing proceeding. See *Butler* v. *McKellar,* 494 U. S. 407, 416. Pp. 16–17.

950 F. 2d 1009, affirmed.

WHITE, J., delivered the opinion of the Court, in which REHNQUIST, C. J., and SCALIA, KENNEDY, and THOMAS, JJ., joined. THOMAS, J., filed a concurring opinion. STEVENS, J., filed a dissenting opinion. SOUTER, J., filed a dissenting opinion, in which BLACKMUN, STEVENS, and O'CONNOR, JJ., joined.